

**EXHIBIT E**

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

No. 2:18cv530

CSX TRANSPORTATION, INC.,  
individually and on behalf  
of NORFOLK & PORTSMOUTH BELT  
LINE RAILROAD COMPANY,  
Plaintiff,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,  
et al.,

Defendants.

Remote Proceedings  
January 6, 2021  
9:42 a.m. - 6:15 p.m.

VIDEO DEPOSITION OF CARL WARREN

(via Teleconference)

Taken before SUZANNE VITALE, R.P.R., F.P.R.  
and Notary Public for the State of Florida at Large,  
pursuant to Notice of Taking Deposition filed in the  
above cause.

Job No. CS4385262

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Q. What is your experience in dealing with a

1 shipping alliance?

2 A. My experience really is based more on what  
3 I've learned from colleagues at the company and  
4 colleagues in the industry than any direct work of  
5 my own. I was involved in roles that were more  
6 heavily focused on cargo traffic at the time that a  
7 lot of the alliance work started to happen.

8 Q. Which colleagues do you have in mind that  
9 you learned from?

10 A. I would say Jay Strongosky.

11 Q. So do I understand you correctly that the  
12 contents of paragraph 7 are based on what you've  
13 learned from colleagues and from others in the  
14 industry?

15 A. Yeah, I would say -- I would say so  
16 because I haven't had to deal with any of the  
17 alliances.

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Q. Mr. Warren, let's look at paragraph 9 of your declaration, which has been marked as Exhibit 1.

A. Okay.

Q. So you start by saying, "CSXT uses drayage to access NIT. Drayage is a significantly less effective solution than loading railcars on-dock."

Are you talking about drayage versus on-dock generally?

A. I think that the principal applies at NIT.

Q. What's your basis for saying the principal applies at NIT?

A. Two things. One, you know, as I mentioned earlier, I interviewed local personnel to find out about those gate hours. And in discussing this with internal and industry colleagues, what's reflected in this paragraph is really the reason that steamship lines don't want to buy a drayage product from CSX at that location, because it's not resilient and scalable.

Q. So when you say you interviewed local

1 personnel about gate hours, you testified about that  
2 this morning.

3 A. Yes.

4 Q. Did you talk to more than the local  
5 terminal manager?

6 A. Well, I think as the correspondence  
7 illustrated, I have relationships with other people  
8 that work at the port. We were familiar with the  
9 operations there and with internal CSX contacts.

10 Q. Who did you talk to besides the terminal  
11 manager who gave you the gate hours?

12 A. I don't remember exactly all the names,  
13 but I had regular conversations with people at VIT  
14 that would have informed that perspective.

15 Q. You don't recall who you talked to at VIT?

16 A. The paragraph reflects an understanding  
17 from several conversations. It would be difficult  
18 to attribute each part of it.

19 Q. So when did you have these several  
20 conversations with VIT personnel?

21 A. I honestly don't remember the timing.  
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Q. Let's move on to paragraph 10 of your  
declaration. The second sentence of paragraph 10  
says, "I routinely hear concerns from ocean  
carriers."

1                   Let's unpack that. What does "routinely"  
2                   mean?

3                   A. Well, as you're aware, the roles I've had  
4                   at CSX over the last few years involve interacting  
5                   with CSX staff, port staff, folks around the  
6                   industry. And so it's just -- hearing that would  
7                   be, you know, from an account representative at CSX  
8                   or a port partner. There's lot of different ways  
9                   that you could find that information.

10                  Q. You don't have specific examples that come  
11                  to mind that you put in your declaration, right?

12                  A. Specific examples of what, please?

13                  Q. Of the routine -- your routinely hearing  
14                  concerns.

15                  A. What would qualify as an example?

16                  Q. Well, you say you routinely hear concerns  
17                  from ocean carriers.

18                         Which ocean carriers have expressed their  
19                  concerns to you?

20                  A. Some of that is not direct, so it would  
21                  come from people on the CSX account team. But I  
22                  don't have any steamship company names that I can  
23                  offer you to support that statement.

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7 In paragraph 11, Ms. Reinhart asked you  
8 some questions about the last sentence of paragraph  
9 11 and I believe that you testified that you  
10 actually spoke to Mr. Capozzi --

11 A. That is correct.  
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Q. So what other information did you have  
that forms the basis for the final clause of that  
sentence?

A. I'd say it's the knowledge that I  
accumulated from multiple sources about what the

1 issues operating a drayage program at NIT are.

2 Q. And do you recall who those individuals  
3 were?

4 A. I think I've given everybody all the names  
5 that I can think of. I don't have any new ones to  
6 add.

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